



January 25, 2022

Project No. BC0082 (2021-02)

Mr. Devin Yoder, Lead Planner
Brown County Planning Department
305 E. Walnut Street, Room 320
P.O. Box 23600
Green Bay, WI 54305-3600

Subject: Brown County SSA Amendment for the Town of Lawrence, Brown County Sewerage Plan 2040

Dear Mr. Yoder:

We received the Town of Lawrence amendment submittal package from Brown County on November 11, 2021, which involves the addition of 295.72 acres. The project area in the Town of Lawrence includes 213.88 acres of undeveloped lands, 63.65 acres of developed land including rights-of-way, and 18.19 acres of environmentally sensitive areas. The subject area will provide public sewer for the development of Project Badger, a 600,000 square foot facility designed to employ over 1,000 people. DNR **approves** this amendment request with this administrative decision letter.

Description of Amendment Area

This Lawrence SSA amendment is located in the Ashwaubenon Creek Subwatershed of the Lower Fox River Basin. Ashwaubenon Creek is a federally-listed impaired water and is part of a larger Total Maximum Daily Load (TMDL) strategy to restore water quality standards in streams within the Lower Fox River Basin.

Wastewater Treatment System

GBMSD staff reviewed this application and determined that based on the flow estimates provided in the submittal the De Pere Wastewater Treatment Facility will have adequate capacity to treat wastewater from the amendment area. The additional acreage will connect to an existing interceptor near the I-41/CTH S interchange. The existing Ninth Street 10-inch sanitary interceptor extends to the west side of I-41 at Little Rapids Road. Utilizing this connection minimizes new infrastructure for the amendment.

Environmentally Sensitive Areas

The amendment area includes all or portions of tributaries to Ashwaubenon Creek, a highly studied system within the larger Duck, Apple, and Ashwaubenon Creek Watershed (See Attachment C). Ashwaubenon Creek is a federally listed impaired water, with documented water quality issues from total phosphorus, total suspended sediment. Brown County has delineated 18.19 acres as environmentally sensitive (Attachment B) based on state and federally approved definitions in the Brown County Sewerage Plan and the Wisconsin Areawide Water Quality Management Plan. If a modification to any of these ESA acres is sought, a SSA Plan amendment must be reviewed and approved by Brown County and the Wisconsin DNR.

Local and State Review

On October 1, 2021, the Brown County Planning Commission (BCPC) received a request for an amendment to the 2040 Brown County Sewage Plan from McMahon Associates Inc., an agent representing the Town of Lawrence. The Brown County Planning Commission held a public hearing which resulted in unanimous project support and transmittal of the amendment request to DNR on November 11, 2021, with the following condition.

- *Utilize proper erosion control and stormwater management best practices at the time of development for the area described in this proposal.*

Conditions of Approval

It is expected that the applicant will work with DNR, Brown County, and NEW Water to maintain and improve overall water quality in the watershed. The overall project should minimize impacts to Ashwaubenon Creek, a federally listed impaired water, and its tributaries, by addressing potential increases in stormwater, erosion, and loss of riparian areas. Prevention techniques can minimize local sources of total phosphorus and suspended solids to these managed waters.

Note that this approval does not endorse any development in or modification of the 18.19 acres identified as ESA in the application. Accordingly,

- A formal SSA Plan amendment process will be required for any modifications to new or existing ESAs.
- If an action that involves modification to a non-navigable portion of a delineated ESA is planned, the applicant will be required to obtain a navigability determination and provide it with its amendment submittal package.
- A successful amendment request is also required prior to a finding of conformance through the Water Quality Conformance Review process ("208 Letter") and prior to any earth moving activity that may directly affect ESAs and local water quality.

Statewide AWQM Plan Amendment

This amendment is a formal update to the state's Areawide Water Quality Management Plan and the *2040 Brown County Sewage Plan* and will be sent to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the federal regulations 40 CFR, Part 35. This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats. The approval of this sewer service area amendment does not constitute approval of any other required local, state, or federal permit for sewer construction or associated land development activities.

Appeal Rights

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Sincerely,



Timothy R. Asplund, Chief
Monitoring Section, Bureau of Water Quality
Wisconsin DNR

cc:

Cole Runge, AICP – Planning Director, BCPC
Lisa Helmuth – Water Resources Specialist, DNR Madison
Andrew Hudak – Water Resources Field Supervisor, DNR Oshkosh
Heidi Schmitt Marquez – Wastewater Field Supervisor, DNR Green Bay
Andrew Dutcher – Facility Plan Review Program, DNR Madison

Tuesday, January 26, 2022

Appendix A: Submittal Letter

PLANNING COMMISSION

Brown County

305 E. WALNUT STREET, ROOM 320
P.O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600
PHONE (920) 448-6480 FAX (920) 448-4487
WEB SITE www.browncountwi.gov/departments/planning-and-land-services



COLE RUNGE
PLANNING DIRECTOR

November 11, 2021

Lisa Helmuth, Water Resources Management Specialist
Bureau of Water Quality
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921

FILE: SSA 2021-02 (LAW) Major

Re: Town of Lawrence Sewer Service Area (SSA) Amendment to Add 295.72 Acres to the Town of Lawrence SSA

Dear Ms. Helmuth:

On November 3, 2021, the Brown County Planning Commission staff held a public hearing to review the above-referenced major SSA amendment. The amendment was requested by McMahon Associates, an agent representing the Town of Lawrence. The request proposed the addition of 295.72 acres to the Town of Lawrence SSA. The purpose for the SSA amendment is to expand the sewer service area for anticipated development off Mid Valley Drive and around the I-41/County Highway S interchange.

The Brown County Planning Commission staff approved the amendment with one condition: to utilize proper erosion control and stormwater management best practices at the time of development for the area described in the proposal. Please find enclosed the Brown County Planning Commission public hearing notice and staff report with maps addressing the subject amendment.

The enclosed amendment materials are hereby being transmitted to the Wisconsin Department of Natural Resources for informational purposes. Please feel free to call me if you have any questions concerning this matter. In addition, please provide a copy of any correspondence relating to this matter to:

Matt Greely
McMahon Associates, Inc.
P.O. Box 1025
Neenah, WI 54957-1025

Respectfully,

A handwritten signature in black ink, appearing to read "Devin Yoder".

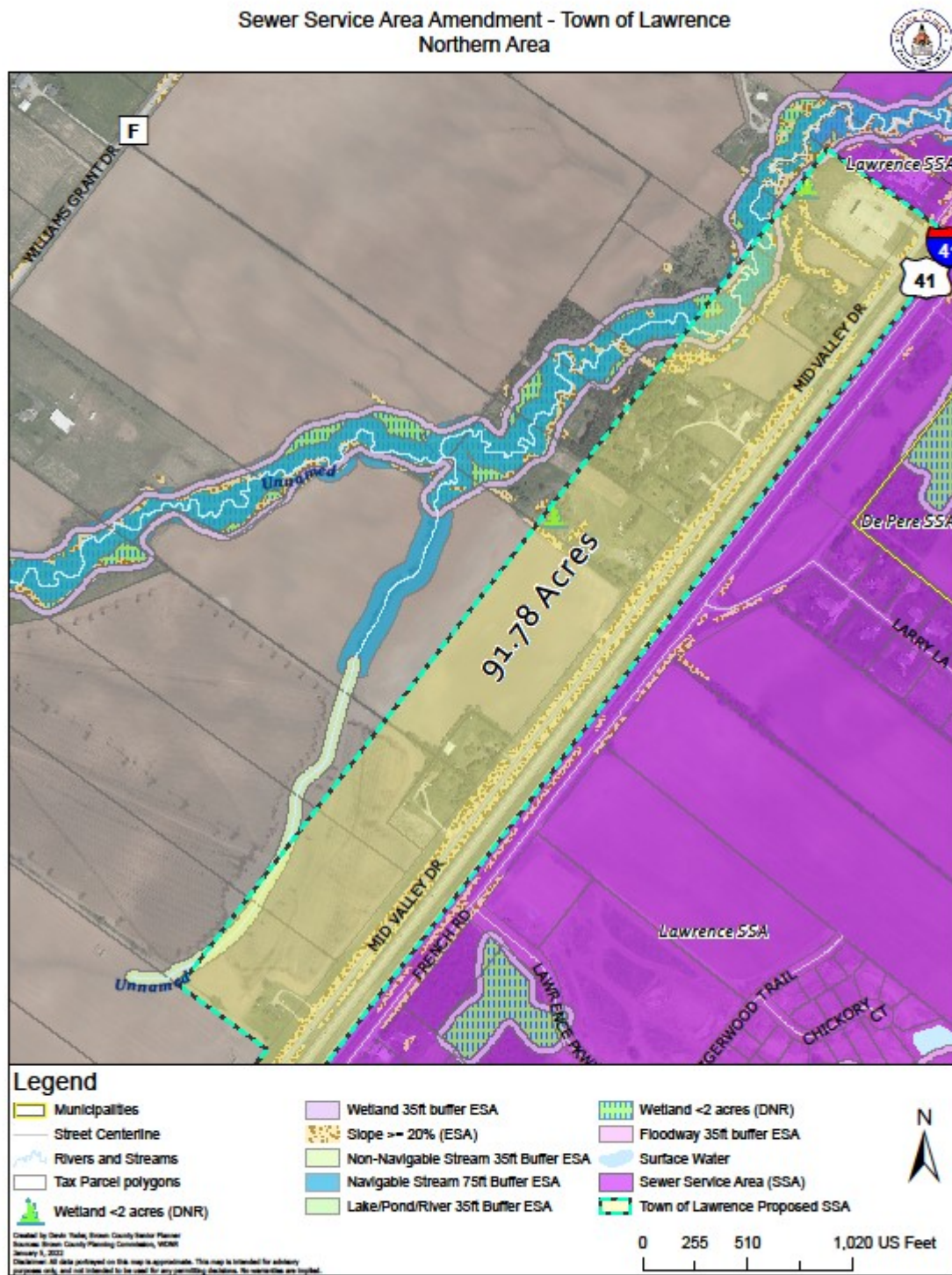
Devin Yoder, Senior Planner

DY:km
Attachments

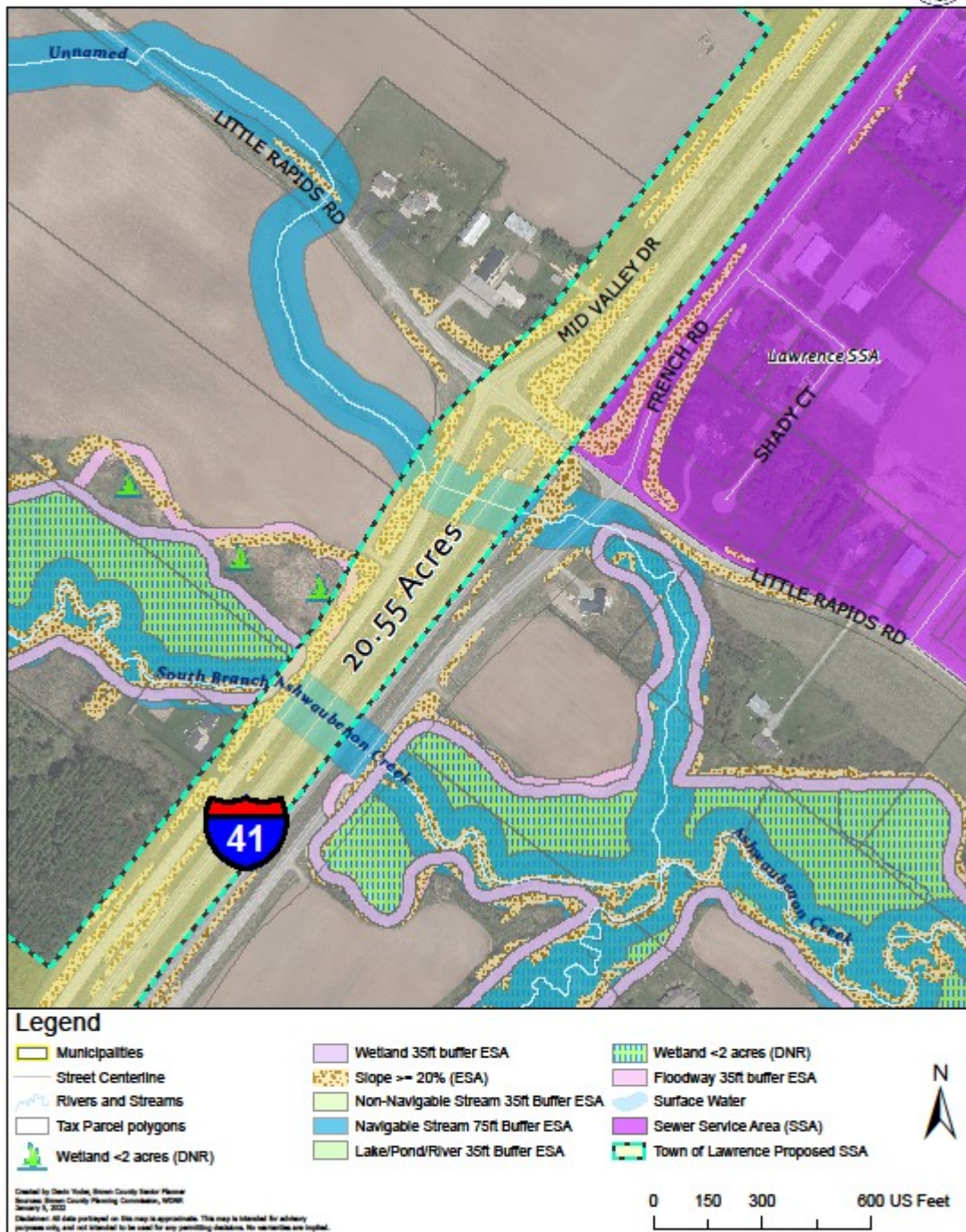


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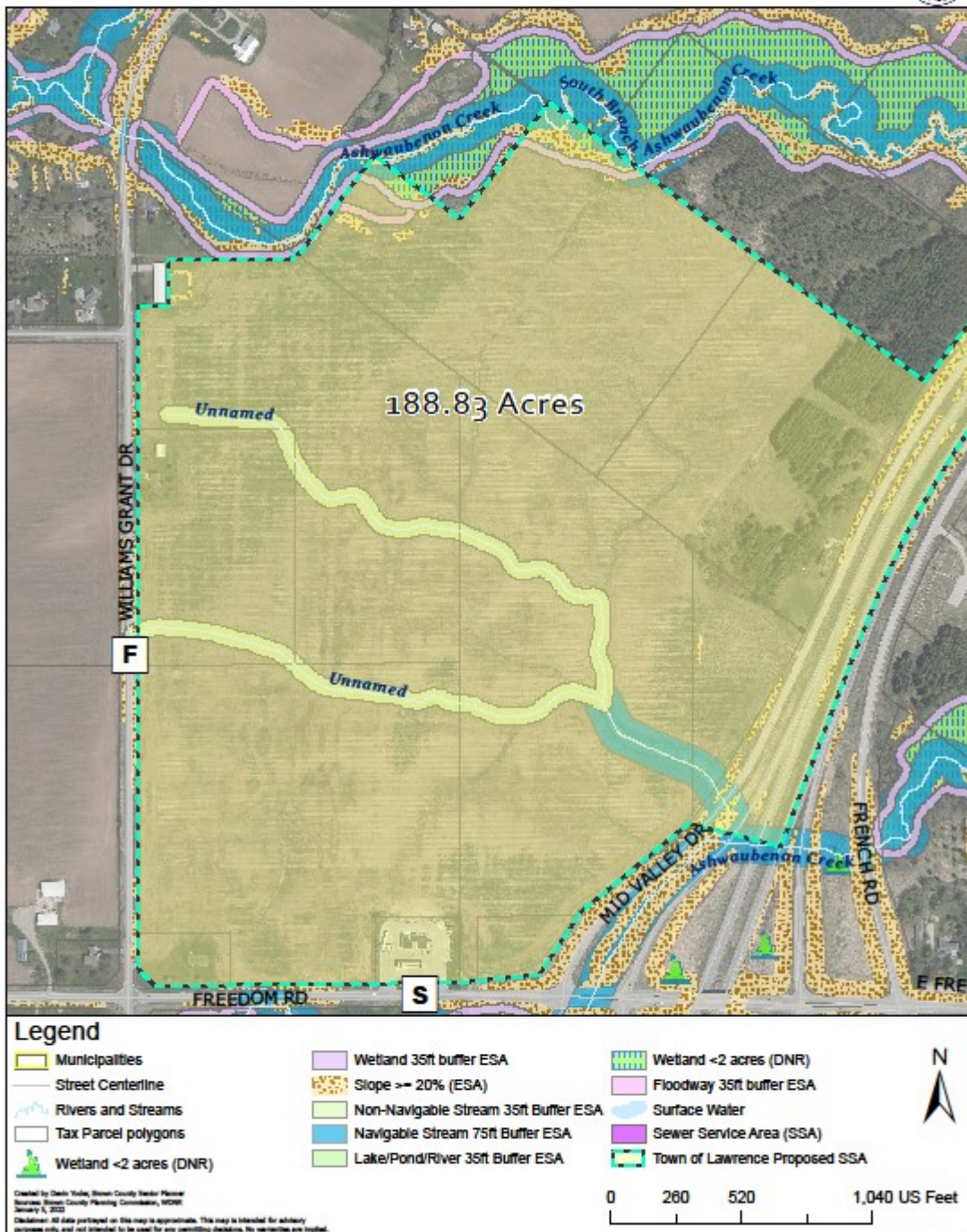
Appendix B: Project Maps



Sewer Service Area Amendment - Town of Lawrence Middle Area



Sewer Service Area Amendment - Town of Lawrence Southern Area



Appendix C. Duck Apple Ashwaubenon Creek Watershed

